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O N F I D E N T I A L PANAMA 001896

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TAGS: PGOV PM

SUBJECT: PANAMA: PRD-OPPOSITION COMPROMISE MOVES DAY OF MOURNING RESOLUTION FORWARD

REF: A. PANAMA 1872

1B. PANAMA 1867

Classified By: AMBASSADOR WILLIAM A. EATON. REASONS: 1.4 (B) AND (D).

Summary

11. (C) National Assembly President Pedro Miguel Gonzalez's resolution to proclaim December 20 -- the anniversary of OPERATION JUST CAUSE, the 1989 U.S. invasion of Panama -- a "Day of Mourning and of Patriotic Reflection" was approved by the National Assembly in its third and final debate on December 20. (Note: Pedro Miguel Gonzalez (PMG) is under federal indictment in connection with the 1992 murder of a U.S. serviceman serving in Panama.) The bill advanced on the back of a surprising development in Panama's legislature: a compromise between the chamber's governing Revolutionary Democratic Party (PRD) and the opposition. Tensions in the chamber abated significantly after PRD Deputy and Majority Leader Leandro Avila and Panamenista Party Deputy and Minority Leader Jose Blandon, Jr. met on the afternoon of December 19 to hammer out a compromise. President Martin Torrijos had deployed Minister of Housing Balbina Herrera on December 18 to negotiate a new, less vitriolic resolution text directly with PMG, MFA Senior Advisor Adolfo Ahumada informed DCM on December 19. Herrera asserted to DCM on December 19 that PMG had agreed to operate on the basis of a new resolution text. PRD Deputy Miguel "Mickey" Aleman, however, told POLCOUNS on December 19 deliberations continued on the basis of PMG's original draft, however. Herrera might have lowered the temperature on this matter. First VP and FM Samuel Lewis expressed his relief to Ambassador on December 20 that this legislation was not spiraling in a more controversial direction and asserted that Torrijos and he had "tried as much as possible" to weaken the intentions of PMG's proposed divisive law. Post expects that Torrijos will sign it into law. End summary.

Day of Mourning and Patriotic Reflection

12. (U) While post does not yet have the final text of resolution as it will be sent to the President, the following are the key elements as read aloud during the bill's third and final debate.

-- The resolution declares that "December 20 of each year" will be a "Day of Mourning and Patriotic Reflection."

-- The flag will be flown at half-mast, sales of alcoholic beverages will not be permitted, the playing of "raucous" or "loud" music on radio and television will not be permitted, and public music performances will not be permitted.

-- It will not be national day off, but rather a normal work day.

-- A Committee of Truth and for National Reflection will be formed and composed of:

- (a) the Public Defender (Ombudsman),
- (b) a representative from the Ecumenical Committee,
- (c) a representative from the Attorney General's Office,
- (d) a representative from the University of Panama,
- (e) a representative from the Executive Branch, and
- (f) two representatives from the National Assembly, one each from the governing party and from the opposition.

-- This Committee will be charged with:

- (a) producing a list of those who died between 1968 and 1989 "due to the repressive character of the state;"
- (b) producing a list of those who died as a result of "the U.S. military invasion of Panama on December 20, 1989;"
- (c) providing "an objective account" of the facts surrounding both a and b; and
- (d) recommending to the "Panamanian State" what it should do "to indemnify the victims of these events."

-- The GOP is mandated to provide all the necessary resources to enable this committee fulfill its responsibilities.

-- "A monument to the victims of the U.S. invasion" is to be erected in the El Chorrillo neighborhood of Panama City and is to include the names of all of the victims.

PMG Kicks Off Dec. 19 with Victims Event

¶3. (SBU) PMG set the stage for more confrontation on December 19 with a polemic morning event with the Association of the Fallen Victims of December 20. Asserting that most Panamanians sought to forget the invasion as a "defense mechanism," PMG said, "We are all a bit responsible for those events, some by collaborating with the invading troops and others for failing to take the patriotic actions that were required at that point in the country's history." Eighteen years later, "it is time for Panamanians to recall, confront, and assess those traumatic events without vengeance or desire for reprisal to be able to continue to advance in a positive manner and, more importantly, to pay due honor to the victims of the invasion." Continuing, he said, "We must do this to remember and honor the thousands of people who were vilely murdered during the U.S. invasion." Towards the end of these extemporaneous remarks, PMG asserted that the struggle for the country's sovereignty did not end in 1989 and that nations have to struggle permanently for their independence and sovereignty. The achievement of equity with sovereignty and dignity was the "true just cause," PMG said.

Torrijos Administration Engaged

¶4. (C) "The rift between Torrijos and Pedro Miguel continues to deepen," MFA Senior Advisor Adolfo Ahumada told DCM on December 19. On the margins of a conversation with PMG regarding then-draft legislation concerning the Technical Judicial Police (PTJ) (SEPTEL), Torrijos told PMG that the National Day of Mourning was creating a problem that PMG had to fix, Ahumada explained. On the evening of December 18, Torrijos tasked Minister of Housing Balbina Herrera with negotiating with PMG. Absent the preferred outcome that the resolution be withdrawn, according to Ahumada, Herrera was to secure the following changes: (1) no holiday to be declared, (2) eliminate the incendiary language in the justification for the bill (*explicacion de motivos*); and (3)

declare a "Day of Reflection," not a "Day of Mourning." As a fallback, Herrera was authorized to accept neutral language for the justification for the bill that would call on Panamanians to reflect on the events of December 20, 1989 and note that each individual had the right to form one's own opinion about those events. Ahumada unconvincingly stated that he did not think that the resolution would pass. Asked if the President would sign the resolution into law, Ahumada state, "Not in its current form."

¶ 15. (C) Confirming to DCM that she had engaged PMG, Herrera stated on December 19 that PMG had agreed to introduce an alternative version of the resolution. Herrera reviewed the alternative resolution, the language of which did not mention the U.S. or alleged atrocities. It called on Panamanians to reflect on the "historical significance," recognize that different people would see things differently, and call on Panamanians to look upon those events in the spirit of harmony and peace. No alternative resolution text, however, had been deployed, PRD Deputy Miguel "Mickey" Aleman told POLCOUNS on the early afternoon of December 19.

¶ 16. (C) "The President and I have tried as much as possible" to weaken the intentions of PMB in seeking to advance this divisive resolution, First VP and FM Samuel Lewis told Ambassador in a December 20 telcon. Lewis asserted that Torrijos had made progress in lowering the tone of the legislation to ensure that it did not spiral out of control in a more controversial direction. "You can see that we are dealing with a crazy guy," Lewis added. Lewis explained that he had personally redrafted the justification for the bill to expunge the incendiary language, "but it was not accepted." While the justification for the bill would no doubt still include anti-American vitriol, Lewis asserted that the resolution itself "is being toned down."

Majority and Minority Leaders Broker Compromise

¶ 17. (C) National Assembly professional staffer Roberto Montanez informed POL that tensions in the chamber abated significantly in the wake of a meeting between PRD Deputy and

Majority Leader Leandro Avila and Panamanista Deputy and Minority Leader Jose Blandon on the late afternoon of December 19. (Note: Press reporting credits PMG and Blandon for brokering a compromise.) Avila and Blandon allegedly quickly reached agreement to call December 20 a "Day of Reflection," keep it a normal work day (not a holiday), and not declare that "the dead are martyrs and the survivors are heroes." (Note: The opposition scored points by asking that since former dictator Manuel Noriega had "survived," would he too then be considered a "hero?") Blandon secured a commitment that a special committee to investigate deaths and disappearances allegedly linked to the U.S. invasion would also investigate deaths and disappearances allegedly linked to "the military dictatorship." Additionally, Blandon secured a commitment that a mechanism would be put in place to indemnify surviving victims and the next of kin of deceased victims.

Comment

¶ 18. (C) While relieved that a significant amount of the edge had been taken off this resolution, the Torrijos Administration is also increasingly concerned about its deteriorated ability to influence the National Assembly, particularly an Assembly dominated 45 to 30 by its own PRD party members. Ultimately, PMG prevailed in securing all of his provisions while only conceding that any investigation by the special committee also look at deaths and disappearances alleged to have been committed over thirty years of military dictatorship. Anodyne alternative language drafted by MFA mandarins (Ahumada, not Lewis, was probably the drafter of the alternative justification for the bill) was doomed to

failure as it utterly failed to fully grapple with the political realities in the chamber driven primarily by PMG and his acolytes. Herrera's role as a water carrier with National Assembly is a new one. At a minimum, deploying Herrera, whose radical PRD credentials remain sterling, helped inoculate Torrijos from criticism. It remains to be seen, however, if Herrera can carry out the vital role that desperately needs to be filled on Team Torrijos: legislative coordinator. Herrera's willingness to engage does underscore that this cautious and calculating politician now perceives the personal political need to attempt to temper PMG's behavior.

¶9. (C) It also remains to be seen whether Avila's and Blandon's willingness to engage to reach a compromise and PMG's willingness and flexibility to allow such a compromise to move forward indicate that Panama's National Assembly may function more like a truly independent branch of government, not simply a rubber stamp for the executive as has been more the norm in Panama. This spirit of compromise may be short lived and due more to the issue at hand, the personalities involved, and the political machinations in the background as the PRD prepares to launch its process for selecting its internal leadership. Indeed, PMG may have been compelled to seek a compromise to preserve political space for himself -- while at the same time rescuing his pet project -- as "tendency (tendencia)" PRD hard-liners like Mitchel Doens lined up in support of Torrijos for the PRD's National Executive Committee (CEN) elections that will take place in March. Going forward, the increasingly fluid political situation -- both internal to the PRD and other parties and due to the jockeying for position in the presidential and other races -- will provide ample opportunity for more roller coaster-like activity in Panama.

EATON